

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

PAVEL GLAMAZDA and ULYANA
GLAMAZDA,

Plaintiffs,

v.

CARL JOHNSON and TRINA
GONZALEZ,

Defendants.

NO: 12-CV-5100-TOR

ORDER GRANTING UNITED
STATES' MOTION FOR
SUBSTITUTION OF DEFENDANTS

BEFORE THE COURT is the United States' Motion for Substitution of Defendants (ECF No. 7) and Defendants' Motion to Expedite Hearing (ECF No. 10). The Court has reviewed the relevant pleadings and is fully informed.

Plaintiffs allege that the two individual Defendants committed torts of negligence, mistreatment, and intentional withholding of benefits, while carrying out their duties as employees of the United States, specifically, employees of the Social Security Administration. ECF No. 8 at 2; ECF No. 1, Att. #1.

1 Under the Federal Tort Claims Act (“FTCA”), a suit against the United
2 States is the exclusive remedy for injury or loss of property resulting from
3 negligent or wrongful acts by employees of the Government while acting within
4 the scope of [their] employment. 28 U.S.C. § 2679(b)(1). Further,

5 [u]pon certification by the Attorney General that the defendant employee
6 was acting within the scope of his office or employment at the time of the
7 incident out of which the claim arose, any civil action or proceeding
8 commenced upon such claim in a United States district court shall be
deemed an action against the United States under the provisions of this title
and all references thereto, and the United States shall be substituted as the
party defendant.

9 28 U.S.C. § 2679(d)(1).

10 Michael C. Ormsby, United States Attorney for the Eastern District of
11 Washington, through delegation by the Attorney General, has certified that at the
12 time of the conduct alleged, individual Defendants Carl Johnson and Trina
13 Gonzalez, were acting within the scope of their office or employment. ECF No. 2-
14 1. Thus, in accordance with 28 U.S.C. § 2679(d)(1), the Court finds substitution is
15 warranted as to the Plaintiffs’ claims.

16 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 17 1. Defendants’ Motion to Expedite, ECF No. 10, is **GRANTED**.
18 2. The United States’ Motion to Substitute Party, ECF No. 7, is

19 **GRANTED**.

3. The District Court Executive is directed to update the docket sheet in accordance with this Order. The United States of America is now the named Defendant and replaces Defendants Carl Johnson and Trina Gonzalez.

The District Court Executive is hereby directed to enter this Order and provide copies to Plaintiffs and to counsel for the United States. The parties are directed to change the caption of all future pleadings to reflect the substitution of the United States of America as Defendant.

DATED this 25th day of September, 2012.

s/ Thomas O. Rice

THOMAS O. RICE
United States District Judge